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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,089	09/30/2003	James L. Christofferson	1-24751	4760

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,089	Applicant(s) CHRISTOFFERSON ET AL.	
	Examiner FREDRICK C. CONLEY	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 19-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 19-24 and 27-33 is/are allowed.
- 6) ☒ Claim(s) 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,901,617 to Sprouse.

Claim 25, Sprouse discloses a seat cushion for a personal mobility vehicle, the seat cushion comprising;

a base 26;

a pressure-distributing medium 28 supported by the base; and

a cover 30 covering the base and the pressure-distributing medium, wherein the cover comprises;

a pocket 98 for receiving the pressure-distributing medium; and

top and bottom fabric panels joined together with an opening provided therebetween that is selectively opened and closed via one or more fasteners (102,103), wherein the pocket is formed from a piece of fabric secured adjacent an underside of the top fabric panel so that an opening is presented along one side of the pocket (fig. 3), wherein the pocket opening at a front end thereof (fig. 3).

Art Unit: 3673

Claim 26, Sprouse discloses a seat cushion for a personal mobility vehicle, the seat cushion comprising;

a base 26;

a pressure-distributing medium 28 supported by the base; and

a cover 30 covering the base and the pressure-distributing medium, wherein the cover comprises;

a pocket 98 for receiving the pressure-distributing medium; and

top and bottom fabric panels joined together with an opening provided therebetween that is selectively opened and closed via one or more fasteners (102,103), wherein the pocket is formed from a piece of fabric secured adjacent an underside of the top fabric panel so that an opening is presented along one side of the pocket (fig. 3), wherein the pocket is closed along rear and lateral sides of the cover.

Response to Arguments

Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

Contrary to the Applicant's arguments, depending on how the cushion and cover are oriented with respect to a user the opening can be located either forward, to one side, or to the rear of a person inserting the supporting layers. Furthermore, in order to insert the supporting layers into the cover a user would undoubtedly have the opening facing towards them or in front of them so they could easily assemble or disassemble the cushion.

Allowable Subject Matter

Claims 13, 19, 20-24, and 27-33 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach nor does any combination thereof fairly suggest a first fastening element affixed to a top surface of a piece of fabric and a second fastening element affixed to a bottom of a pressure distributing medium that are adapted to be secured together to hold the pressure distributing medium firmly in a pocket of a cover (claims 13 and 20); a method comprising the step of turning a cover inside out, inserting a pressure distributing medium in a pocket, and turning the cover right side out (Claim 19). The combination of elements as set forth in the claims is not shown by the prior art, and in particular the features as set forth above

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 3673

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



JONG-SUK (JAMES) LEE
PRIMARY EXAMINER